

REMARKS/ARGUMENTS

Claim 1-4, 6-11, 13-18, 20-21, and 25 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Number 3,534,750 (“Kolozsvary”).

Anticipation requires disclosure of each and every claim limitation in a single prior art reference, either explicitly or inherently. *MEHL/Biophile Int'l Corp. v. Milgraum*, 192 F.3d 1362, 1365 (Fed. Cir. 1999). Thus, for the Kolozsvary patent to qualify as prior art for 35 USC § 102(b), each and every claim limitation in the claims must be found within the Kolozsvary patent explicitly or implicitly. This is not the case.

Claim 1

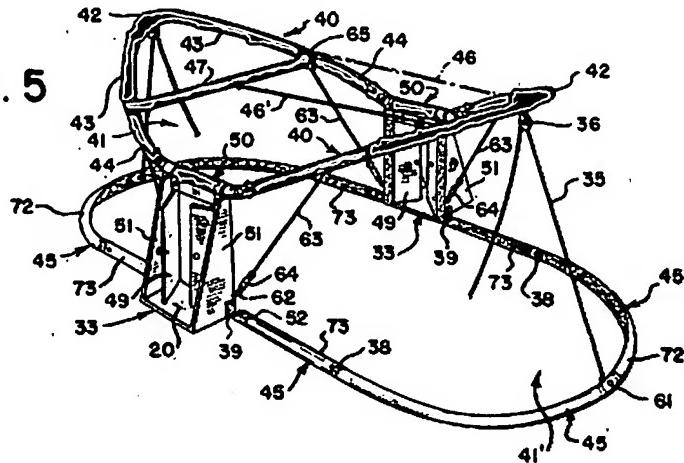
Claim 1 states, in pertinent part, the express limitations of;

“a first segment having a longitudinal axis, an interior surface, and having an arcuate exterior surface perpendicular to the length of the longitudinal axis, the arcuate exterior surface of the first segment being adapted to provide protection to the inflatable shell from unwanted contact with the core during the pre-deployed configuration and the arcuate exterior surface having at least one affixing member for cooperating with at least one affixing member on the interior surface of the inflatable shell such that the arcuate exterior surface is removably attached to the interior surface of the inflatable shell during the deployed configuration;”

To be anticipatory, the prior art must identify, “a first segment having a longitudinal axis, an interior surface, and having an arcuate exterior surface perpendicular to the length of the longitudinal axis.” The Office Action offers no such prior art.

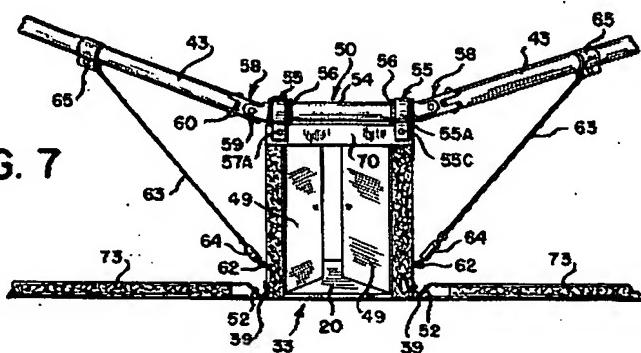
Reference was made in the Office Action to Figures 4-6 from Kolozsvary. The Office Action identified the first segment as being items 43, 47, and 50. Further, that the first segment had an arcuate exterior surface. This is reproduced below with coloration of what was characterized as the arcuate exterior surface for clarity.

FIG. 5



Items 43, 47, and 50 in Fig. 5 do not form an arcuate surface. Fig. 7 below identifies that items 43 and 50 are not connected. Rather, a swivel joint mechanism (Kolozsvary, Column 6, line 30) 58 is disposed between items 43 and 50.

FIG. 7



Turning to Fig. 6, it is clear that the alleged ribs 51 do not contact item 43 of Fig. 7. Rather, the ribs 51 connect to a collar member 55 (Kolozsvary, column 6, line 14).

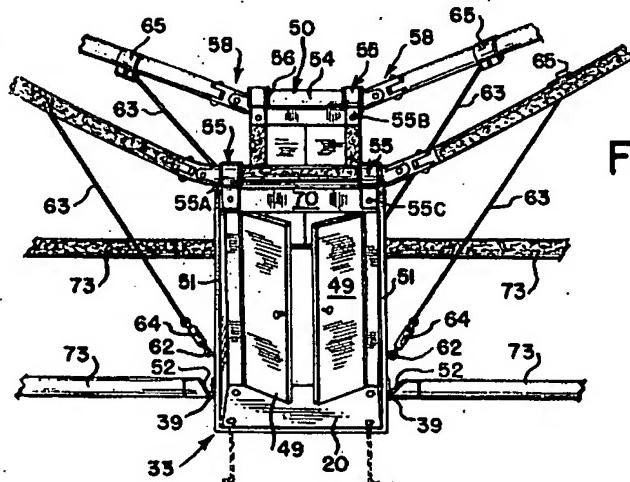


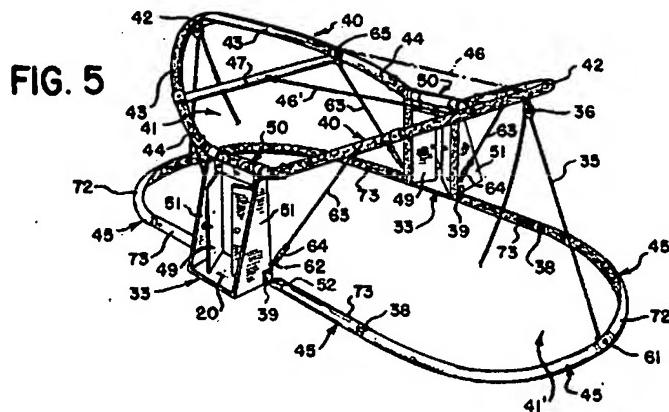
FIG. 6

Furthermore, the Kolozsvary reference does not identify a longitudinal axis nor an arcuate exterior surface that is perpendicular to the length of said axis as required by claim 1.

Claim 1 further states;

"a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment, and a plurality of attachment elements disposed on the ribs adapted to cooperate with the attachment elements on the longeron such that the cover is releasably attached to the core in the pre-deployed configuration."

The Office Action identifies the ribs as item 51 and the attachment elements as items 45 and 73 as shown below;



Item 45 is an arch member (Kolozsvary, column 4, line 57) and item 73 is a leg member (Kolozsvary, column 5, line 71). Figure 5 illustrates that item 45 is not connected to the alleged ribs 51. Item 45 is connected to a horizontal axis hinge 52 (Kolozsvary, column 5, line 44). Further, claim 1 requires attachment elements that are operable to releasably attach the cover. Arch member 45 and leg member 73 are structural members and do not allow for attachment of the ribs to anything

Claim 1 identifies the attachment elements function to releasably attach the cover to another structure. Nothing referenced in Kolozsvary meets this claim limitation.

Claim 2

Claim 2 states in pertinent part:

“a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment and the ribs having a plurality of attachment elements;”

Relying upon the same analysis as to claim 1 supra concerning the attachment elements, claim 2 is also not anticipated.

Claims 3, 4, 5, 6, 7, and 8

Claims 3, 4, 5, 6, 7 and 8 are dependent from claim 2. Since claim 2 is not anticipated, claims 3, 4, 5, 7 and 8 are also not anticipated.

Claim 9

Claim 9 states in part;

“a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment and the ribs having a plurality of attachment elements;”

Similar to the position taken as to claim 1 supra, attachment elements are an express limitation that is not anticipated by the structural elements of items 45 and 73. Claim 9 is not anticipated.

Claims 10, 11 and 13

Claims 10, 11 and 13 depend from claim 9. As claim 9 is not anticipated neither are dependent claims 10, 11 and 13.

Claim 14

Claim 14 states in part:

“a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment and the ribs having a plurality of attachment elements;”

Similar to the position taken as to claim 1 supra, attachment elements are an express limitation that is not anticipated by the structural elements of items 45 and 73. Claim 14 is not anticipated.

Claims 15, 16, 17, 18, and 20

Claims 15, 16, 17, 18 and 20 depend from claim 9. As claim 9 is not anticipated neither are dependent claims 15, 16, 17, 18 and 20.

Claim 21 states in part:

“a plurality of ribs disposed between, and joined to, the inner surface of the first segment and the substantially flat surface of the second segment and the ribs having a plurality of attachment elements for cooperating with the attachment elements on the core.”

Similar to the position taken as to claim 1 supra, attachment elements are an express limitation that is not anticipated by the structural elements of items 45 and 73. Claim 21 is not anticipated.

Claim 25

Claim 25 states:

“A method of using a cover with a core of an inflatable modular structure having a plurality of attachment elements thereon and an inflatable shell which utilizes the cover of claim 2.”

Claim 25 is clearly a linking claim. As claim 1 is not anticipated, argument supra, claim 25 is also not anticipated.

Kolozsvary is not enabling

To be anticipatory, “the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention”. *In re Paulsen*, 30 F.3d 1475, 1478, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). The Kolozsvary is not enabling to a person of skill in the field of the invention. A disclosure is non-enabling if it “does not place the subject matter of the claims within the possession of the public.” *In re Wilder*, 429 F.2d 447, 451 (C.C.P.A. 1970)(quoting *In re LeGrice*, 301 F.2d 929, 939 (C.C.P.A. 1962)).

Claim 1 states that the arcuate exterior surface is “adapted to provide protection to the inflatable shell from unwanted contact with the core.” Claim 2 discloses “ribs having a plurality of attachment elements” and that the “cover is removably attached to the core.”

Appl. No.: 10/700,808
Amend. Dated: May 15, 2007
Reply to Office Action of April 16, 2007

The claims in the present application indicate how the cover works with the interior surface of an inflatable spacecraft and that the cover is releasable. Kolozsvary is directed toward a, "tension-stressed membrane shells having a fabric-covered skeleton frame, adapted for quick erection, disassembly and portability" (Kolozsvary column 1, starting at line 9). Nothing in Kolozsvary instructs or discloses to a person of skill in the art of inflatable spacecraft the content of the claims of the present application.

Applicant contends that the anticipation rejection has been overcome.

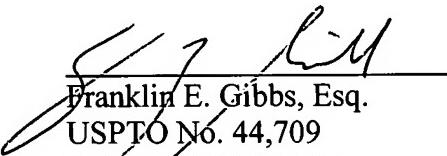
Conclusion

Applicant believes the application is now in a condition for allowance and Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If the Applicant's attorney can be of any further assistance, please call the undersigned at the number provided.

Respectfully submitted,

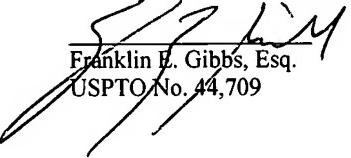
Dated: May 15, 2007


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as required for Express Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: May 15, 2007

Dated: May 15, 2007


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